

Town of Belgrade
Moratorium Ordinance Regarding
Commercial Solar Facilities, Commercial
Wind Energy Facilities, Telecommunications
Towers and Subdivisions



Enacted: November 16, 2021

Certified By: Mary J. Vogel

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Title: Town Clerk

**Moratorium Ordinance
Regarding Commercial Solar Facilities, Commercial Wind Energy Facilities,
Telecommunications Towers, and Subdivisions**

The TOWN OF BELGRADE, MAINE, adopts a Moratorium Ordinance to be known as the Moratorium Ordinance Regarding Commercial Solar Facilities, Commercial Wind Energy Facilities, Telecommunications Towers, and Subdivisions as follows:

WHEREAS, developers of commercial solar farms have expressed interest in developing facilities in Belgrade, where undeveloped land is plentiful and regulation of such developments is minimal, and having received and approved one such solar project application, the Town of Belgrade Planning Board reasonably anticipates others could soon follow; and

WHEREAS, the Planning Board has the same concerns regarding existing regulations for wind energy facilities and telecommunications towers; and

WHEREAS, the Planning Board is engaged in a massive rewrite of the Town's Subdivision Ordinance, which was adopted in 1988 and is no longer consistent with state law; and

WHEREAS, the Planning Board deems the Town's Commercial Development Review Ordinance and Subdivision Ordinance to be inadequate in addressing issues relevant to commercial solar facilities, wind energy facilities, telecommunication towers, and subdivisions that pose potential serious public harm, including, but not limited to, environmental impacts, the lack of decommissioning plans, and financial assurances that sites will be adequately completed and/or restored once they outlive their commercial usefulness; and

WHEREAS, the Town may need 180 days, or more, to develop, to earn voter approval, and to implement the necessary amendments to the Commercial Development Review Ordinance and the Subdivision Ordinance to accommodate these potential development pressures; and

WHEREAS, amendments to the Commercial Development Review and the Subdivision ordinances require a public hearing by the Planning Board and the Board of Selectpersons, and then must be voted upon at a Town Meeting; and

WHEREAS, in the judgment of the Town, these facts create a threat of serious public harm within the meaning of 30-A MRSA §4356(1)(B) and require the following Moratorium Ordinance as immediately necessary for the preservation of the public health, safety, and welfare.

NOW, THEREFORE, the Town of Belgrade hereby ordains that the following Moratorium Ordinance be enacted:

I. AUTHORITY

This Moratorium Ordinance is enacted pursuant to 30-A MRSA §4356, Article VIII, Part Second of the Constitution of the State of Maine, and 30-A MRSA §3001.

II. PURPOSE

The purpose of this Moratorium Ordinance is to allow municipal officials the appropriate time to evaluate and address concerns as they pertain to the adequacy of the Town's existing land use ordinances and regulations to provide protection for the public health, safety, and welfare of the Town of Belgrade.

III. MORATORIUM

The Town of Belgrade hereby declares and imposes a moratorium effective immediately and applicable, to the maximum extent permitted by law and subject to the severability clause below, to all proceedings, applications and petitions not pending (within the meaning of 1 MRSA §302) as of November 5, 2021, and on any new construction or use, requiring approval under the terms of the Town's planning ordinances and regulations for such time until the effective date of the necessary amendments to the Commercial Development Review and Subdivision ordinances and regulations or until May 5, 2022. The Planning Board, Board of Appeals, the Code Enforcement Officer, and all other Town agencies and Town employees shall neither accept nor approve applications, plans, permits, licenses, and/or fees for any new construction or uses governed by this Moratorium Ordinance for such commercial solar facilities, wind energy facilities, telecommunications towers, and subdivisions for said period of time.

IV. SEVERABILITY

To the extent any provision of this moratorium ordinance is deemed invalid by a court of competent jurisdiction, the balance of the moratorium ordinance shall remain valid.

V. INCONSISTENCY

To the extent any provision of the Town's Commercial Development Review and Subdivision ordinances and regulations are inconsistent or conflicting with the provisions of this Moratorium Ordinance, including, without limitation, the requirements for site plan review by the Planning Board, subdivision and/or special exception review by the Planning Board, are hereby repealed to the extent that they are applicable for the duration of the Moratorium Ordinance hereby ordained, but not otherwise.

VI. EMERGENCY

In view of the conditions cited in the preamble, this Moratorium Ordinance shall take effect immediately upon passage by the Town, shall apply, to the maximum extent permitted by the law but subject to the severance clause above, to all proceedings, applications and petitions not pending as of November 5, 2021, and shall stand repealed as of May 5, 2022.

VII. DEFINITIONS

COMMERCIAL SOLAR FACILITY: Any ground-mounted solar energy system, and its associated facilities, that generates a nameplate capacity of 125kw or greater.

SUBDIVISION: As defined by 30-A MRSA §4401, as amended.

TELECOMMUNICATIONS TOWER: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including, but not limited to, camouflaged towers, lattice towers, guyed towers, and monopoles, for the purpose of transmitting or relaying radio frequency signals, including but not limited to radio, television, cellular, and personal communication service frequencies.

WIND ENERGY FACILITY: A facility that uses one or more wind turbines to convert wind energy to electrical energy for the purpose of exporting the energy. The term does not include wind turbines whose primary purpose is to supply residential or non-residential uses on the site where it is located. A wind energy facility includes both the generating facilities and associated power converters or substations.

Enacted by the Special Town Meeting dated November 16, 2021

